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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ANTOINE BARNES,

12 Petitioner,

13 v.

14 WARDEN LYNCH,

15 Respondent.
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No. 2:23-cv-0820-TLN-KJN

ORDER

17 Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas
18 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

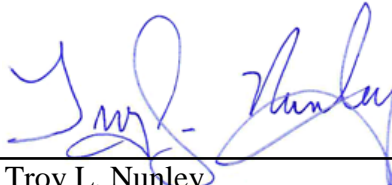
20 On July 25, 2023, the magistrate judge filed findings and recommendations herein which
21 were served on Petitioner, and which contained notice to Petitioner that any objections to the
22 findings and recommendations were to be filed within fourteen days. Petitioner did not file
23 objections to the findings and recommendations.

24 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.
26 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed
27 the file, the Court finds the findings and recommendations to be supported by the record and by
28 the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 25, 2023 (ECF No. 11) are ADOPTED IN FULL;
2. Petitioner's amended application for a writ of habeas corpus is DISMISSED for failure to exhaust;
3. The Court DECLINES to issue the certificate of appealability referenced in 28 U.S.C. § 2253; and
4. The Clerk of Court is directed to close this case.

Date: September 7, 2023



Troy L. Nunley
United States District Judge